

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

THERESA BROOKE,  
Plaintiff,

v.

SARATOGA MOTEL LP,  
Defendant.

Case No.18-cv-06422-NC

**ORDER TO SHOW CAUSE RE:  
DEFENDANT'S FAILURE TO  
APPEAR AND RESPOND**

Re: Dkt. No. 19

Despite the parties' apparent settlement in February 2019 (*see* Dkt. No. 8), this Americans with Disabilities Act ("ADA") lawsuit has languished on this Court's docket for over three months due to the parties' repeated failures to comply with Court orders and appear at hearings.

On April 3, 2019, the Court ordered the parties to file an updated status report or dismiss the case before a follow-up case management conference on April 24, 2019. *See* Dkt. No. 12. Neither party filed a status report nor dismissal. And at the April 24 conference, neither party nor their counsel appeared. *See* Dkt. No. 14. The Court issued an order to show cause warning plaintiff Theresa Brooke and her counsel that further failure to comply with Court deadlines and orders may result in dismissal of this case and referral of counsel for investigation by the Standing Committee on Professional Conduct for the Northern District of California under Civil Local Rule 11-6. *See* Dkt. No. 15.

1 On May 8, 2019, Plaintiff and her counsel satisfied that order to show cause and  
2 subsequently filed a motion to enforce the parties' settlement agreement and for sanctions.  
3 See Dkt. Nos. 18, 19. The Court ordered defendant Saratoga Motel LP to respond to  
4 Plaintiff's motion by May 22, 2019, and set the motion for hearing on May 29, 2019. See  
5 Dkt. No. 20. By May 24, 2019, Defendant had not filed its response and the Court ordered  
6 it to show cause why it had not responded. See Dkt. No. 21. Defendant failed to respond  
7 to that order too. At the May 29, 2019, hearing on Plaintiff's motion, Defendant failed to  
8 appear. Defense counsel's office reported that he was not available.

9 Accordingly, the Court ORDERS Defendant and its counsel to show cause why  
10 they failed to appear at the May 29, 2019, hearing and failed to comply with multiple  
11 Court orders. Defendant is ORDERED to file a response to this Order and Brooke's  
12 motion by **June 7, 2019**. The Court CONTINUES the hearing on Brooke's motion to  
13 **June 12, 2019** at 1:00 p.m. Plaintiff may appear by telephone. Defendant's counsel may  
14 not appear by telephone and is ORDERED to appear in person. Failure to comply with  
15 this order may result in referral of Defendant's counsel for investigation by the Standing  
16 Committee on Professional Conduct for the Northern District of California under Civil  
17 Local Rule 11-6. The Court retains jurisdiction to enforce this Order to Show Cause even  
18 if Plaintiff dismisses this lawsuit.

19 **IT IS SO ORDERED.**

20  
21 Dated: May 29, 2019

  
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NATHANAEL M. COUSINS  
United States Magistrate Judge